

DECLARATION OF TOLEDO MACK SALES & SERVICE, INC.

I, Rich Miller, state as follows:

1. I am the Controller of Toledo Mack Sales & Service, Inc. ("Toledo"), and I am authorized to submit this declaration on behalf of Toledo.

2. On October 26, 2006, Toledo, through its counsel, filed a motion to stay the execution of judgment pending the resolution of Toledo's post-trial motions in *Toledo Mack Sales & Service, Inc. v. Mack Trucks, Inc.*, No. 2:02-CV-04373-RLB.

3. Attached hereto as Exhibit A is a true and correct copy of Toledo's interim financial statement for the period from January 1, 2006 to September 30, 2006. This is an accurate reflection of Toledo's financial position.

4. Attached hereto as Exhibit B is a true and correct copy of Toledo's final financial statement for the period from January 1, 2005 to December 31, 2005. This is Toledo's most recent final financial statement.

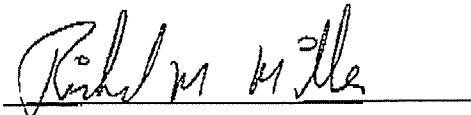
5. Attached hereto as Exhibit C is a true and correct copy of Toledo's line of credit statement with The Fifth Third Bank for the period between June 28, 2006 and September 25, 2006.

6. Attached hereto as Exhibit D is a copy of the most recent tax assessment of the land and building Toledo owns. The value of the property was assessed at \$264,800.00.

7. Toledo does not have sufficient assets with which to satisfy the \$11,356,500.00 judgment entered against it on October 12, 2006. As the financial statement attached as Exhibit A shows, Toledo's total assets were valued at approximately \$6.8 million on September 30, 2006 and its total liabilities were valued at approximately \$7.85 million. Toledo's inventories of trucks and truck parts comprise approximately \$5.8 million of its assets. Nearly all of Toledo's truck inventory is already pledged as collateral on notes payable.

8. Toledo has no liquid assets with which it could post bond as security for the judgment. It typically keeps a minimal amount of cash on hand and, as of September 30, 2006, had only \$512 cash. Toledo's parts inventory is not a liquid asset.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed this 26th day of October 2006.

A handwritten signature in cursive script, appearing to read "Rich Miller", is written over a horizontal line.

Rich Miller